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SPEECH

OF

HON. J. A. WRIGHT, OF INDIANA,

ON THE

BILL TO CONFISCATE THE PROPERTY AND FREE
THE SLAVES OF REBELS;

DELIVERED

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IN THE SENATE OF THE UNITED STATES, APRIL 30, 1862.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1862.

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SPEECH.

The Senate having under consideration the bill (S. No. 151) to confiscate the property and free the slaves of rebels—

Mr. WRIGHT said:

Mr. PRESIDENT: Without detaining the Senate at any great length, I propose to state some of the reasons which will control my action on the pending propositions. I am in favor of some measure for the confiscation of the property of those in rebellion against the Government. Too long, already, in my judgment, have we delayed the discharge of this duty, imposed upon us for the speedy suppression of an armed rebellion, which has struck, with murderous intent, at the very vitals of this Republic. If Congress had truly felt the necessities of the occasion, if, instead of acquiescence in a policy of leniency towards these conspirators, we had held the reins of Government firmly in our grasp, a confiscation law would have been enacted at the called session, and have been now upon the statute-book, a terror to traitors. It would seem that, until within a recent period, we have gone on as though there was not a great war upon us, which demanded serious legislation and earnest effort at our hands. If that impression had not yet been removed from the minds of Senators when Congress came together in December last, it can no longer exist, when the whole valley of the Mississippi trembles beneath the fierce conflict of vast armies. We must be alive, sir, to the exigency of the hour. This monster rebellion must be destroyed, and destroyed speedily; and as one of the means for the accomplishment of that object, I look to the passage of some proposition for the confiscation of the property of rebels.

This proceeding is absolutely necessary. It will strike a heavier blow against the rebellion than an army with banners. Now, when the power of this Government has been displayed upon land and sea, it proclaims to the deluded masses of the South that the only way in which they can save themselves and their property, escape from anarchy and bloodshed, enjoy peace and prosperity, and once more live under a beneficent, free Government, is to lay down the arms which they have taken up for its destruction. If they persist in

their madness, then let the vengeance of outraged justice pursue them to the death. We have forbore until forbearance has grown to be dishonor. Treason has run riot in the land. It is time that lawlessness should cease, whether under a pretended government in the rebellious States, or in the more insidious guise of "freedom of speech," which gloats over every obstacle that can be brought forward to prevent or retard the restoration of the Union. It is time that rapine and murder should be called by their right names, and punished as they deserve. I would direct the operations of this law against the instigators of the rebellion, against the leaders of its army—those who hold its executive appointments, the members of the confederate conventions and legislatures, and all those who have deceived and infuriated the southern masses against this Government. They should be made to feel, in their persons and in their property, the disasters which afflict those whom they have led to the brink of destruction. I would impoverish them as they have impoverished their own people. The Davises and Slidells, the Yulees and Masons, the Beauregards and Johnsons, the Breckinridges and Benjamins, who have sought the annihilation of the Republic that nourished, honored, and protected them, spreading desolation throughout the southern States, and who have been remorseless in carrying out the promptings of their unholy ambition, cannot expect from this Congress any other treatment than that of a rigid enforcement of the sternest penalties of justice. It is a duty that we owe to our country, that we owe to posterity, to the peace and happiness of our citizens, and to the perpetuity of our institutions.

I would provide no way of escape for those who, with reference to a possible hour of their country's peril, had been educated for and supported in its Army and Navy, and then, when that hour came, went over to its enemies. We must make it understood that we educate and support men for their country's service, not to officer rebel armies.

There may be a certain class of civil functionaries, for instance in the local judiciary, as sug-

gested by the reference of the Senator from Vermont to the case of Chief Justice Hale, whose duties might differ little whether they acknowledged to confederate or Federal Government, and towards whom lenity might be shown. Still that case is not apposite, because Cromwell's Government was established at home and acknowledged abroad.

It is not my design to enter into an examination of all the details of a confiscation law. It may suffice, at the present time, if I avow that, in the execution of that law, I should much prefer the requisite proceedings should be taken before some judicial tribunal, and that there should be invested in the President of the United States a general power of granting amnesty. Such a provision will, I think, do away with all honest objection to the passage of this measure.

Now, sir, I have no patience for long disquisitions upon the power of Congress to pass an act of confiscation. It is not denied that we have the power to declare war and to suppress rebellion. Having the power to declare war and to suppress rebellion, have we not also the power for the vigorous and successful prosecution of these objects? The greater power certainly includes the lesser one. By depriving the rebels of their means for continuing this rebellion we go a great way towards securing its extinction. But away with these quibbles about the constitutionality of this proposition or that proposition. Instead of granting powers, and also affording all the necessary means for their execution, it would seem to be the belief of those who so frequently advance the objection of unconstitutionality, that the Constitution has conferred powers never intending they should be exercised; that it is so fettered as to be incapable of making a struggle for the preservation of the integrity of the Government to which it gave birth. I may say, sir, outside of all questions of constitutionality in times of great peril to our free institutions, when recreant and disloyal citizens in a large section of the country rise in rebellion, spurn the Constitution, defy the laws, and resist the authority of the Government, there is one duty supreme and absorbing, a duty to which all others are subordinate—the *duty of self-preservation, the safety of the Union from disruption, and of the Constitution from annihilation*. Everything opposed to the existence of the Government must be made to yield, or be swept off with an iron hand. *That the State may live*, all minor considerations must be neglected, all inferior interests must perish.

I wish to refer, for a moment, to the character of the war in which we are now engaged, in order that the mind may not be led astray by citations from and references to authorities which have and can have no application to this subject. There are two kinds of war; the one I may denominate a perfect war, and the other a mixed war. A perfect war is where one nation declares war against another nation; and it has laws which are as well understood, and which must be adhered to as strictly, as any other laws. A mixed war, on the contrary, is a rebellion or insurrection of a portion of the people of a country against the Government. It is against law, in defiance of author-

ity, and meets with no encouragement from the laws of nations. In a perfect war, the citizens or subjects of one country are each and all the enemies of the citizens or subjects with which it is carrying on hostilities. They are so recognized and so treated in the laws of war. There is no exception. All those owing allegiance to the one nation are the foes of the other. It is far different in a mixed war. In that case, the loyal citizens are the enemies of the disloyal citizens. When we declare war against the rebellion in the South we do not declare war against the States, or against independent nationalities. Our hostilities are only directed against those who have taken up arms against the Government, and those who render them assistance; and the end which we seek is the suppression of the insurrection and the restoration of order. We do not declare that the citizens of all the seceded States shall be considered as alien enemies; that the innocent shall be involved in ruin with the guilty; that there shall be no discrimination between those who are loyal and those who are disloyal; but we ask, and in no measure more plainly than the one before us, that there shall be a discrimination, that there shall be a method of determining between the true men and the false, and where we shall inflict severe punishment and where extend the protecting help or the clemency of this Government.

A war, strictly speaking, is between independent Powers. Its laws are a branch of that code known as international law. No single member of the family of nations can establish, alter, or amend them; but a suggestion made by one Power becomes, when approved by others, a part of the code. Our present contest may, on the contrary, as I have already said, be called a *mixed war*—one of the parties standing to the other in the double relation of enemies and citizens. In other words, it is a mere multiplication of crimes committed by individual citizens until the attempt of the Government to put them down has grown to the dimensions and assumed the name of a war; which crimes may be dealt with in detail under the names of murder, theft, arson, as the case may be or comprehended under the name of treason, which expresses the animus of the whole. The moment we come to regard it in an aggregate or organized character, we are in danger of giving it a recognition which we should take care to avoid. The conflict of armies, one of which is made up of these felons, should be viewed as neither more nor less than the result of an attempt to arrest them for these crimes.

The Senator from Vermont, [Mr. COLLAMER,] who has made some of the happiest discriminations between this rebellion and a proper war, has not, in my opinion, quite escaped the error which he combats. He seems to regard the rebels as a Power, and not as felons, separately guilty of the crimes committed by them; and half approves of England's recognition of them as a belligerent Power. He says that the war should be conducted in accordance with the law of nations, perhaps meaning that the principles of humanity recognized by the civilized and Christian world should be observed in its prosecution. If this be the meaning, no one will question the justice of the

remark. But if it means, as might be inferred, that foreign Powers have a right to call us to account for neglecting the maxims of international warfare and pursuing our own course, I utterly dissent from the view.

If the Senator was right in the views he took, we might as well, on the ground of international law, have claimed to interfere against the oppressions of the Austrian, or the late Neapolitan Government, and surely no Government on earth ever outraged humanity more than they did. And yet I have never learned of any interference of this Government, or of any civilized Government, with the Neapolitan Government, calling in question the treatment of their criminals or those engaged in rebellion.

The Senate will pardon me while I allude to one incident, illustrative of their treatment of those engaged in rebellion. It will be borne in mind by many Senators that about sixty refugees from the Neapolitan Government were directed to be sent to this country. Many of them had been imprisoned for ten years, and doubtless the Senate will remember one little incident of that venerable old man, called Simbrini. He had lain for ten years in prison, until the chains had worn deep holes in his wrists, and when he was put on board the vessel, he told this remarkable story: "The first year I was in prison I had about two inches of light, and there was a tree before my prison bars and a little bird came and sang for me for some weeks, but his Majesty happened to hear of it, and he had the bird shot." And yet I never heard of any Government calling in question the acts of that Government. There was a party in rebellion against an established Government. Surely it cannot be said by implication here that any Government would have the right to call in question our treatment of criminals in our own land.

Military commanders may, for want of definite instruction and as mere matters of convenience, follow the maxims of the public laws of war. But a Government is bound by no such considerations where its own citizens are the other belligerent party, unless it be in case of blockade, which, as affecting the world's commerce, is matter of international law. It seems true, sir, that we have all fallen more or less into the error we would all avoid. Why should our armies restrict their seizures of rebel property to that found in rebel camps and contraband of war according to the international code? If this is for want of proof that property in private hands belongs to rebels, it is right; but if it is on the ground that we are bound to observe the rules of international warfare, and recognize only organized bodies, it is wrong.

We seem to be under the delusion that this is properly a war, instead of a contest for the arrest and punishment of our own citizens, who have committed felony, and every one of whom is individually responsible for the crimes of this rebellion, and might be adjudged to the death penalty under existing law; a view which transforms the measure now before the Senate from an aspect of sanguinary cruelty to one of unheard of clemency—a measure providing for the release of the great body of criminals from the penalty of vio-

lated law, and reserving only a few leaders to punishment.

I hold, sir, that every loyal citizen of South Carolina, or of Mississippi, or of any other of the rebellious States, is as much entitled to the rights and privileges of this Government as the loyal citizens of New York, or Indiana, or any other of the loyal States. To listen to any other teachings, to adopt any other policy, would be rank injustice. We should therefore be very careful not to countenance in the slightest degree any proposition looking to the destruction of the States and the organization of territorial government within their limits, for in direct terms we would admit the foul doctrine of secession. Therefore I say, with all due respect, the less favor we show towards a measure like that of the Senator from Massachusetts [Mr. SUMNER] the better, for if it were passed I fear it would be an invitation to the great Powers of Europe to recognize and give force to this revolution. This Government denies with all its energy that under the Constitution there can be any such thing as the secession of a State. It does not look upon this rebellion as the act of the States, but as the act alone of the individuals who have engaged in it.

Mr. President, this powerful nation needs a strong Government. By temporizing and by the want of firmness and decision we foster and tolerate enemies in all parts of the country. What the people demand and will have is a strong Government to punish promptly and completely the monstrous and unparalleled crimes which have been committed against its authority. Justice cries aloud for vengeance upon the banded traitors who have conspired to destroy this Government. They have perpetrated the highest crime against God and civilization; and there can be no enduring peace until they have been made to pay the penalty. We are not only contending for unity and the supremacy of the law, but for the respect of the great nations of the earth. By the vigorous prosecution of this war, and by meting out the terrible vengeance which this rebellion has called down upon its leaders, we will have taken a sure means to prevent any future renewal of the horrors of civil war, and impress the nations with the power and stability of the Republic, and the hazards which they would run in interfering with our affairs.

I am tired of hearing the leaders, those who have brought on this war, called our brethren. They do not deserve any favors at our hands. They have shocked the civilization of the age, and have committed barbarities almost unparalleled in history. Shall we call those our brethren who have brought sorrow and suffering to almost every hearthstone in our country? Shall we call those our brethren who have armed the savages and commissioned them for the perpetration of all manner of fiendish atrocities? Will cooing and soft words change the heart of those assassins who, in the midnight watches, stealthily creep upon the pickets of our armies and murder them in cold blood? Do our brethren insult the lifeless bodies of our patriot soldiers? Do they bury them with their face downwards, or pilfer their graves and dishonor their bones, and do other vile

acts which we could expect only from vampires and cannibals? No, Mr. President, these are not our brethren. They are our mortal foes, and we must deprive them of all power for mischief.

I need not, for the purpose I have in view, more than casually refer to the sublime spectacle of the rising of the American people to maintain the existence of their imperiled Government. It has astonished the world, and extorted admiration even from the antagonists of republican institutions. The greatest of modern armies has been gathered, equipped, disciplined, and put into the field without resorting, in any instance, to conscription. Men have not only implored that the Administration should tax them and their property, in order that it may have ample means for the vigorous prosecution of this war, but, with a divine enthusiasm, they stand ready to seal their devotion to the Union with their hearts' blood. They have never yet faltered in the good work. Notwithstanding all that Indiana has done so far in this contest, yet I am informed, from the best authorities in that State, so eager are the people in the suppression of this rebellion that they would to-morrow uncomplainingly, if the necessities of the hour demanded it, feed and clothe the sixty thousand troops which she has sent into the field. Contributions of every description pour in from all quarters, to be used for the purpose of securing every comfort to her brave sons, who, upon almost every recent battle-field, have won imperishable renown. When the citizens of the country have done and are doing so well, shall we neglect the high trust which they have confided to us? They look to this Congress to pass some measure for the confiscation of the property of rebels, and I for one am not willing to disappoint their just expectation. They do not ask it from any sordid motive, or because of malignant hatred to the South, but for the reason that it is necessary to subserve the ends of justice. Do not let us palter with them in a double sense, but let us at once come up to the discharge of our obligations to them and to the Government.

I regard this as one of a series of acts essential to put down this rebellion. As our armies advance into the regions where treason is rampant, they must be subsisted upon the enemy, and it is incumbent upon us to make provision for that purpose. It is a fact not to be disguised that there are very many men who have waxed fat and grown rich from the supplies which they have furnished to our troops at enormous prices—men who at best only abstain from coöperation in the insurrection because of the overwhelming forces of the Union which happen to surround them. They would like to see this war protracted until the Treasury was at its last gasp. What care they for the distresses that may befall others so long as their coffers are filled with Federal gold? I would not have, Mr. President, our soldiers, as they have done in Virginia, go starving through the rich regions of their enemies. As our flag presses forward toward the Gulf States, let any of the landed proprietors who have granaries bursting with grain and pastures full of cattle be questioned, and they will tell you, while refusing food to our soldiers, except at starvation rates, that their sons and their neigh-

bors are in open hostility to the Federal Government. These men, who not long before gave up their produce with the freedom of a spendthrift to support the rebel cause, must not be permitted to adopt a dog-in-the-manger policy when the Union armies have fought their way into their midst.

What has been the result of the declarations of our commanding generals, that the property even of the most venomous secessionists shall be guarded, and that to touch it will be followed with the penalty of death? Only renewed and more astounding extortions upon our troops and upon the Government. Those whose sex protect them from personal injury may, in their insane fury, insult our wounded and dying as they are carried to the hospitals, and yet, as things now are, the estates where they reside, and which have been abandoned by husbands and sons, to join the Confederate army, are fruitful only for the enemies of the Republic, and as unproductive as the desert for the soldiers of the Union. We must change all this, and those who have broken the public peace ought to be made to subsist those who have come to restore order. It will have a magnetic effect in terminating this civil strife, when the southern people know that they will be compelled to subsist our armies so long as treason shall require their presence among them. If we pay exorbitantly for subsistence of our troops, the desire then will be that the war shall be protracted rather than brought to a speedy termination. Such a measure as I have indicated is next in importance to the one for the confiscation of rebel property, and I feel assured, in advance, that in casting my vote for them both, I shall have the hearty applause of the State which I am proud, in part, to represent. I know the feeling of the people there. I know that it is one of undying hostility to this rebellion and of uncompromising fidelity to the Government.

It will not, of course, be supposed that I object to strict orders against soldiers pillaging the property even of known rebels. This is right. The armies of the Government should be subsisted by the rebels only under regulations prescribed by the Government, and not by the liberty of indiscriminate pillage.

There is one instance which I will state: fifty years ago four brothers left their father's home in the Green mountains of Vermont, and two of them settled in Virginia; the remaining two in my own State. One of the brothers in Virginia died, and the other brother and his nephew have been among the promoters of the existing rebellion. One of them went so far as to contribute \$15,000 to arm his poor relations against this Government. The brothers in Indiana, whose sons are in the armies of the Republic, and who have contributed largely of their means to carry on this war, indignantly demand that the old homestead of their revolutionary father, now owned by traitor sons, shall be confiscated to the use of the Government. There comes up from these loyal men no cringing appeal for forbearance, but, on the contrary, the expression of a hope that exemplary punishment shall be inflicted upon those who have disgraced their heroic ancestry, and with parricidal hands have struck at the existence of the Union which gave

them prosperity and protection. This is not a single case. There are thousands like it; and they all speak of the noble and unwavering courage of the citizens of the loyal States.

Mr. President, outside of the loathing and abhorrence which I feel towards the conspirators who instigated this accursed rebellion, if I know my own heart, it entertains no unmanly prejudice, and is fired with no unholy fanaticism against the southern people. But I cherish the free institutions of America as a sacred legacy to be preserved at all hazards and at whatever cost. Such, too, I am confident, is the motive which controls the people of Indiana. They have been lavish of their treasure and of their blood to justify their faith by deeds; and I may be pardoned when I state that the heroism of her brave sons, in defense of the integrity of this Government, has more than once during this war gained the grateful tribute of praise from the American people. Full of the patriotism of the ancient republics, they will cling to their country through every peril, and against all foes, at home or abroad, with the tenacity of death. *That the nation may live*, they will use all the means which God has given them to suppress this insurrection. They believe that these measures will greatly conduce to that end, and with that view, and none other, I shall extend to them my hearty support.

We are all united in the sentiment that the integrity of the Union must be vindicated and its authority fully restored. Our differences of opinion as to the means of consummating these objects should not lead us to neglect the employment of all our just powers in view of the fearful consequences which would ensue from our omission to do so. If we cannot agree as to the precise grant of power in the Constitution, we can agree, if we approach the question in a proper and conciliatory spirit, upon some general and definite plan of operations, by which we can aid the President in the discharge of his high duty of seeing that the laws are faithfully executed. If the Constitution has withheld from us the power to *direct* the President, we must, from necessity, possess the power to *advise* him; and nobody who knows the President will doubt that he will receive our advice in a proper and becoming spirit. Such a definite plan will relieve him from the unavoidable consequences which have ensued from the conflicting opinions of our commanding generals, which have already been the occasion of reproach to us among the Governments of Europe. And the whole country will then know, as the Army advances, the precise policy to be established. The eyes of the whole civilized world are upon us; and if we expect to excite the admiration of mankind, we must act as becomes a great nation, conscious of its integrity and power, and resolved to maintain both at whatever hazard. If left to myself to prescribe a course of action, I would give notice of sixty or ninety days to all who participate in the rebellion that they must lay down their arms and return to their allegiance, or in default of so doing that they must take all the consequences of their unnatural and most iniquitous attempt to overthrow and destroy the best Government upon earth. I feel an abiding confidence

that a large proportion of them would rejoice at the opportunity to do so, and that such a measure would be attended with the happiest results, that the trade and commerce of the country would then revive as our conquering Army should advance, and that the end would be the speedy suppression of the rebellion.

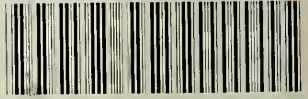
I might cite the last news we have from Nashville, and enlarge upon this point. Tennessee was certainly one of the strongest States that the leaders got into this rebellion. It nerved and strengthened the rebellion not only in men, but in resources; and yet it is now demonstrated beyond all controversy that the loyal men of Tennessee are the commercial and the trading men. Hundreds of them owing money in New York have been saving their cotton for the last fifteen months and piling it up in various little places, hoping soon for the deliverance which would enable them to send it to their creditors to pay their debts. As our Army goes on, these roads will be opened, and this sentiment of Union should be cultivated, and I believe the happiest consequences will result. To this end I would direct all the energies and resources of the Government, entertaining no sort of doubt about our powers under the Constitution to do what the necessities and exigencies of our condition require.

Mr. President, I have sat here restlessly day after day and heard questions raised such as were discussed this morning touching the arrest of certain persons charged with treason. It may be doubted whether we have really a Government as yet or not. Violence, lawlessness, and resistance to established authority are everywhere to be seen. The very atmosphere is full of treason. I cannot listen patiently to gentlemen who talk about power being assumed by a Secretary of State or by a President. In this dark hour of my country, I know no limit to the power of the President to do all he can to suppress the insurrection. He must make everything bend before that imperative duty. I would not question it any more than I would think of pulling out Blackstone to inquire what my right of defense is when the assassin comes at me with the steel dagger. I can say to my respected friend from Kentucky, in a free State, where the courts are open and there is no trouble, I think arrests without warrant are unjustifiable; but it has been otherwise in the border slave States. The President and his Cabinet are not politically my friends; but I look to them most confidently for the discharge of their whole duty in these perilous times. So far as Kentucky was concerned, some improper arrests may have been made; but there were some that were not made that ought to have been made. There sat a man [pointing to the seat formerly occupied by Mr. Breckinridge] who was nourished, fostered, and honored by the Government, who abused the high confidence reposed in him to lead off one third of the nation into armed rebellion against the best Government on earth. To him should have been meted out not only imprisonment, but the extreme penalty of the law. Tell me not of the danger of preserving this Government by the power of a President and Secretary. Tell me not of the danger of allowing the Presi-

dent to answer whether or not he can say that certain information cannot be communicated without danger to the public interest. It has been the practice of the Government heretofore, even when calling on the President to communicate treaties with the greatest nations of the earth, to ask him to do so provided it is not incompatible with the public interest; and shall we now, when treason fills the very air around us, and we may well say that it is doubtful whether we have a Government, (for we are trying to bring order and government out of anarchy, insurrection, and treason;) tell us, can we not trust the Administration of the country to say what is compatible and what is incompatible?

And I would implore the Senate to remember that in the great and important work before us, it is our solemn duty to rise up to the true dignity of statesmen, and lend our coöperation to whatsoever remedies may be found necessary to heal the diseases of the country, and to remove the poison of secession from our system of government. When this shall be done, we shall have the proud satisfaction of seeing our Government advance, with reinvigorated authority, until it shall become what the fathers of the Republic designed it should be, the leading Government of the earth—first in military power, and greatest in all the elements of wealth, happiness, and prosperity.

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